

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: Request for a front yard setback variance from 50 feet to 30 feet for a proposed single family home in A-1 (Agriculture District); (Randall Thevenet, applicant).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 12/4/06 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a front yard setback variance from 50 feet to 30 feet for a proposed single family home in A-1 (Agriculture District) (Request); or
2. **DENY** the request for a front yard setback variance from 50 feet to 30 feet for a proposed single family home in A-1 (Agriculture District) (Request); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Randall Thevenet</p> <p>Owner: Randall Thevenet</p> <p>Location: Orange Blossom Drive (Lot 22)</p> <p>Zoning: A-1 (Agriculture District)</p> <p>Subdivision: Whealey Acres</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a single family residence that encroaches 20 feet into the required 50-foot front yard setback. • The size of the subject property is 9,600 square feet which is similar to the R-1A zoning district. • The applicant was granted a variance for side street setback request from 50 feet to 10 feet at the August 28, 2006 Board of Adjustment hearing (BV2006-116). There were also variances previously granted for lot size and width at the building line at the January 20, 1986 Board of Adjustment hearing (BA86-1-4V). • There are currently no code enforcement or building

	violations for this property.
STAFF FINDINGS	<p>The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• The lot is a parcel of record in the 1970 tax roll.• The parcel was created prior to the adoption of subdivision regulations which created the process that required the parcels and/or lots to meet the minimum dimensional requirements of the zoning classification.• The size of the subject property is 9,600 square feet which is similar to the R-1A zoning district. Staff believes that variances allowing a front setback like those in the R-1A zoning district would be the minimum variances to make reasonable use of the property.• The size of the subject property is consistent with the surrounding properties and development pattern of the neighborhood.• Special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances did not result from the actions of the applicant.• The granting of the variance requested would not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variances granted is the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would not retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would be in harmony with the general intent of Chapter 30.

STAFF RECOMMENDATION	<ul style="list-style-type: none">• Based on the stated findings, staff recommends approval of the request. If the board should decide to grant a variance, staff recommends the following conditions of approval:<ul style="list-style-type: none">• Any variance granted shall apply only to the single family residence as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.
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Fee: \$150.00 plus \$50.00 for each additional variance

Application # BV2006-181
Meeting Date Dec 4, 06



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

COPY

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Handall Thevenet
Address: 1332 Holly Glen Run City: Apopka Zip code: 32703
Project Address: Dragon Blossom City: _____ Zip code: _____
Contact number(s): 407-788-2306
Email address: miceman7@hotmail.com

Is the property available for inspection without an appointment? ☒ Yes ☐ No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe: 10-04-06
<input type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?				
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input checked="" type="checkbox"/> Front yard setback	Required setback:	50ft	Proposed setback:	30ft
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
[] Total number of variances requested <u>1</u>				

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED UNLESS ALL OF THE INFORMATION IN THE VARIANCE APPLICATION AND SUBMITTAL CHECKLIST ARE PROVIDED TO THE PLANNING DIVISION.

Signed: R. duFAT

FOR OFFICE USE ONLY

Date Submitted: 10-4-06

Reviewed By: RJ.

Tax parcel number: 31-21-31-505-0000-0220 Zoning/FLU A-1/

- ☐ Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- ☐ Platted Lot (check easements as shown on lots, in notes or in dedication)
- ☐ Lot size _____ ☐ Meets minimum size and width
- ☐ Application and checklist complete

Notes: _____

Variance requested by Randall Thevenet (407) 788-2306 -dated Oct 4, 2006

Please consider granting of this variance request as it does respond to the criteria stated in the Land Development Code.

(1) The granting of a variance will not be detrimental to the property or improvements in the area in which the property is located.

If granted, the variance would not adversely impact the surrounding area. This particular lot is located on the east side of Whealey Acres and does not contain any homes at this time. Any home built in this neighborhood should increase the overall value of the neighborhood and not be detrimental. Currently, the front set back for A-1 is 50. The existing homes in this neighborhood do not have such front setbacks. A 30ft setback would conform with the neighborhood. Also, it should be noted that these parcels were recorded in 1957.

(2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property;

The variance request is unique for this area because the lot is $\frac{1}{4}$ acre, smaller than 1 acre parcel where the front setback is 50ft. The current 50ft setback would only allow for a minimal backyard and would not sit in a normal fashion on the lot.

(3) Because of the particular surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

The variance request is unique for this area because the lot is $\frac{1}{4}$ acre, smaller than 1 acre parcel where the front setback is 50ft. The current 50ft setback would only allow for a minimal backyard and would not sit in a normal fashion on the lot.

Sincerely,

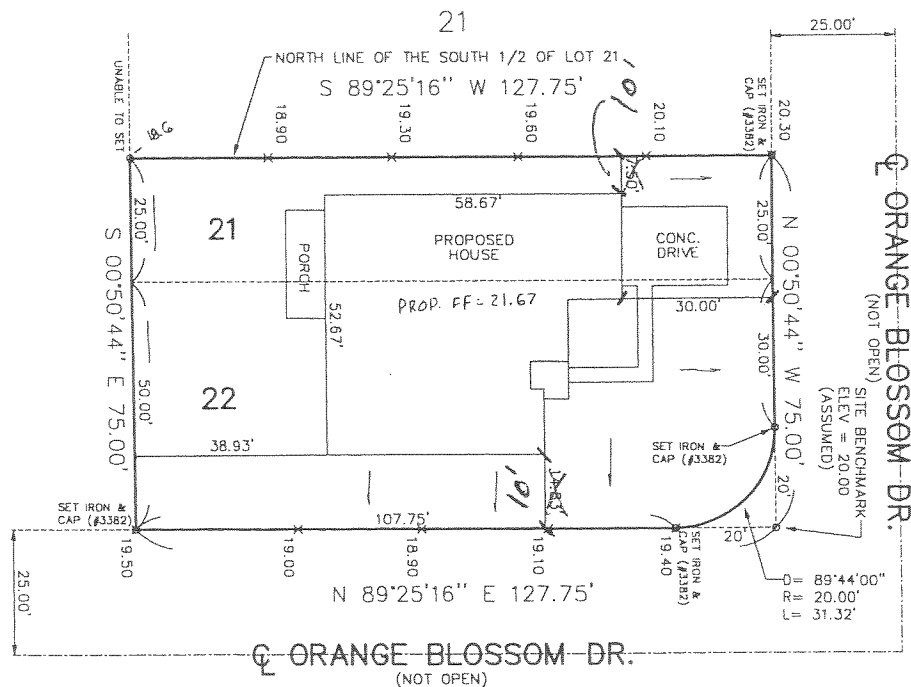
Randall Thevenet

PLAT OF BOUNDARY SURVEY
for
RANDAL THEVENET and FOUNTAIN HOMES
Legal Description

LOT 22 and the SOUTH 1/2 of LOT 21, WHEALEY ACRES, according to the Plat thereof as recorded in Plat Book 10, Page 99, of the Public Records of Seminole County, Florida.

SCALE AS NOTED

1) 30ft+ front Setback



SCALE: 1"=30'

SURVEY NOTES:

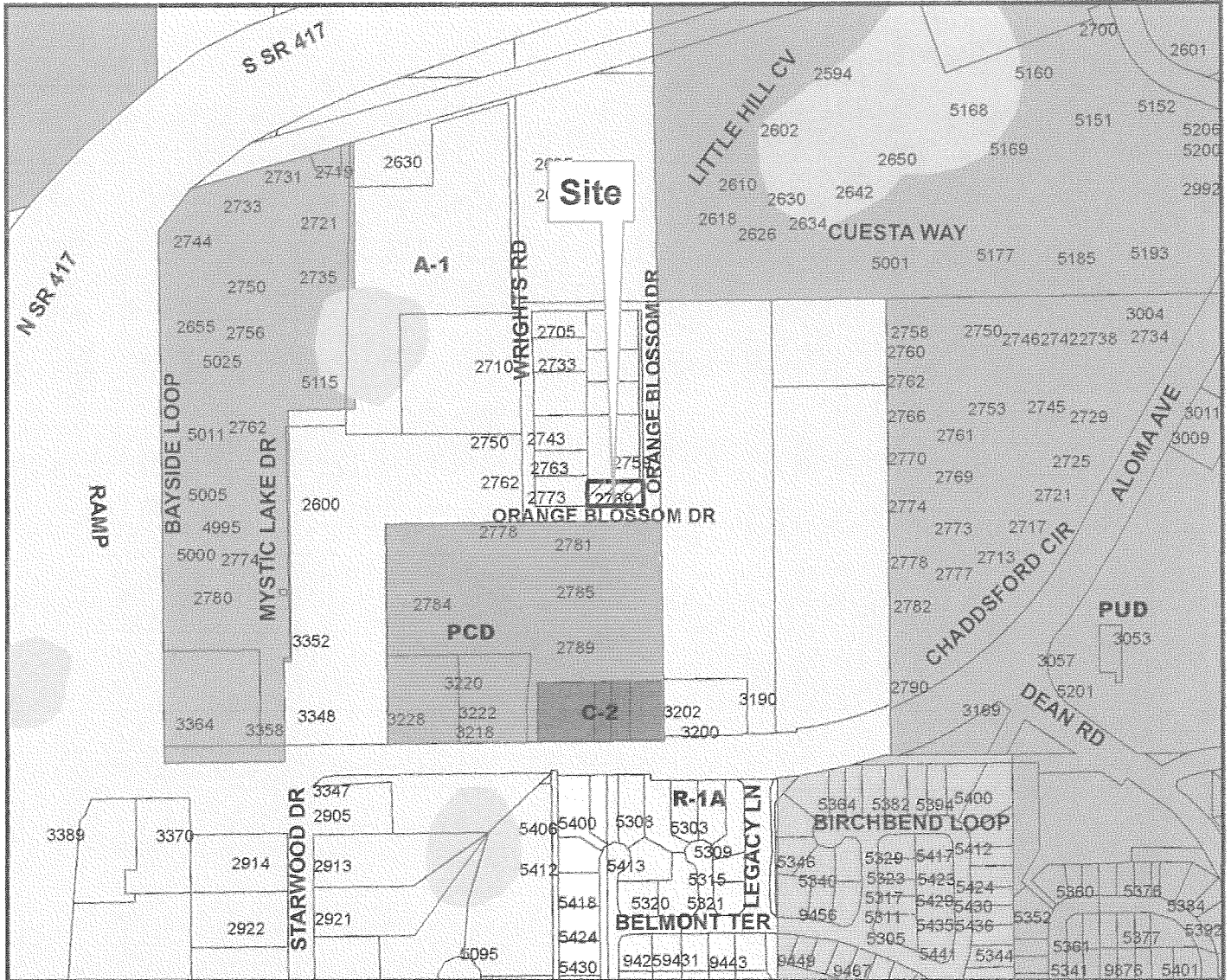
- 1) The street address of the above-described property is ORANGE BLOSSOM DRIVE.
- 2) The above-described property lies in a Flood Zone X.

SURVEYOR'S CERTIFICATE

This is to certify that I have made a Survey of the above described property and that the plat hereon delineated is an accurate representation of the same. I further certify that this Survey meets the Minimum Technical Standards set forth by the Florida Board of Land Surveyors pursuant to Section 427.027 of the Florida Statutes.

REVISIONS:	<i>R. Blair Kitner</i> KITNER SURVEYING, INC. R. BLAIR KITNER - P.L.S. NO. 3382 Post Office Box 823, Sanford, Fl. 32772-0823 (407) 322-2000	CERTIFIED CORRECT TO:
PROJECT NO: 06-348	SURVEY DATE: 26 JULY 2006	

Randall Thevenet
Lot 22 & S 1/2 of Lot 21, Whealey Acres
Orange Blossom Drive, Oviedo, FL 32765



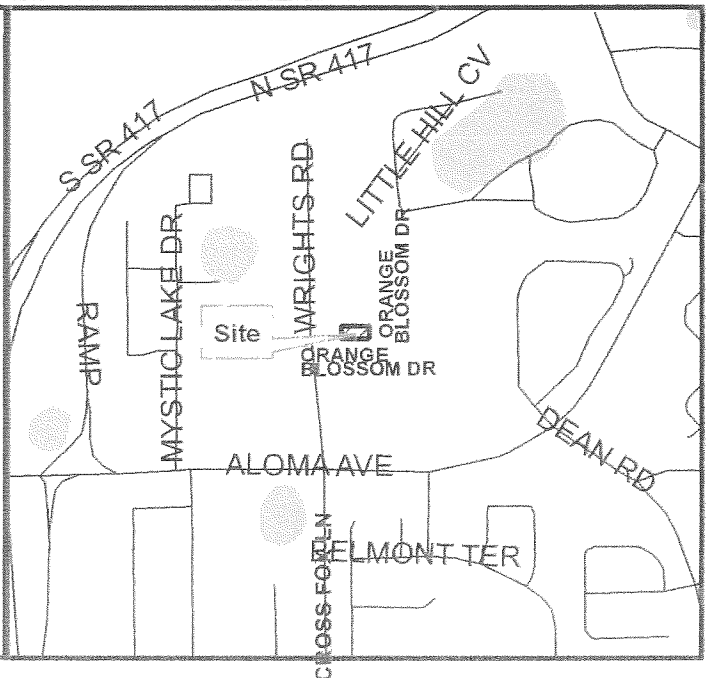
Seminole County Board of Adjustment
December 4, 2006

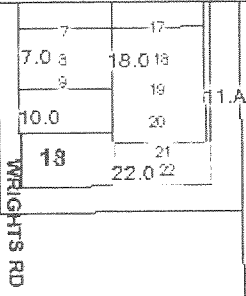
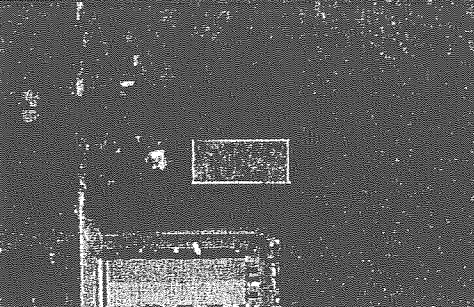
Case: BV2006-181 (Map 3211, Grid E6)

Parcel No: 31-21-31-505-0000-0220

Zoning

	BV2006-181		R-1A		PUD
	A-1		R-1BB		PCD
	R-1AA		C-2		



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																							
GENERAL Parcel Id: 31-21-31-505-0000-0220 Owner: THEVENET RANDALL Mailing Address: 1332 HOLLY GLEN RUN City,State,ZipCode: APOPKA FL 32703 Property Address: BLOSSOM RD Subdivision Name: WHEALEY ACRES Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL		2006 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$22,560 Land Value Ag: \$0 Just/Market Value: \$22,560 Assessed Value (SOH): \$22,560 Exempt Value: \$0 Taxable Value: \$22,560 Tax Estimator 2006 Notice of Proposed Property Tax																					
SALES <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/2006</td> <td>06304</td> <td>0898</td> <td>\$46,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>05/2005</td> <td>05737</td> <td>1058</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	06/2006	06304	0898	\$46,000	Vacant	Yes	QUIT CLAIM DEED	05/2005	05737	1058	\$100	Vacant	No	2005 VALUE SUMMARY 2005 Tax Bill Amount: \$364 2005 Taxable Value: \$6,028 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
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LAND <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>FRONT FOOT & DEPTH</td> <td>75</td> <td>128</td> <td>.000</td> <td>320.00</td> <td>\$22,560</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	75	128	.000	320.00	\$22,560	LEGAL DESCRIPTION PLATS: <input type="text" value="Pick..."/> LEG LOT 22 + S 1/2 OF LOT 21 WHEALEY ACRES PB 10 PG 99									
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																							

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 4, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 22 + S 1/2 OF LOT 21 WHEALEY ACRES PB 10 PG 99

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Randall Thevenet
1332 Holly Glen Run
Apopka FL 32703

Project Name: Orange Blossom Drive (Lot 22)

Requested Development Approval:

Request for a front yard setback variance from 50 feet to 30 feet for a proposed single family home in A-1 (Agriculture District).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 1. The variance granted will apply only to the single family residence as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
April Boswell, AICP
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: